

# **ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS OF CUSTOMS AND BORDER PROTECTION**

## **One U.S. Government at the Border Subcommittee Executive Summary – Trade Progress Report August 2013**

### **1. Background:**

The Advisory Committee on Commercial Operations of Customs and Border Protection (COAC) determined to carry on the work from the 12<sup>th</sup> Term COAC One US Government at the Border Subcommittee. The Mission of the Subcommittee is to implement the January 15, 2013 COAC 12<sup>th</sup> Term Recommendation:

*That CBP pursue interagency partnership programs following the principles and standards set forth in the One US Government Master Principles Document and progress toward completion can be measured via CBP reporting quarterly back to COAC on progress being made to implement programs that align with these principles, principally through the Border Interagency Executive Council (BIEC).*

The subcommittee's priorities and key elements were laid out in the March 2013 COAC Public Meeting.

**Trade chairs:** Mary Ann Comstock, Susie Hoeger

**Government:** John Leonard, CBP, Carol Cave – U.S. Consumer Product Safety Commission (CPSC), Vice Chair- Border Interagency Executive Council (BIEC)

### **Outline of Work**

The Subcommittee consists of a cross section of COAC members interested in promoting the One USG Master Principles document and pursuing single window automation, a government wide approach to partnership programs, identifying and removing regulatory and policy obstacles that prevent greater information sharing between Partner Government Agencies, leverage the support and forward progress of the Border Interagency Executive Council (BIEC), and gather Trade Community feedback to further enhance trade facilitation.

The Subcommittee has formed two active Working Groups in our effort to engage Partner Government Agencies: The EPA Working Group and the FDA Working Group. The Working Groups will not necessarily be covering the same ground or focusing on the same topics, however recurring themes and synergies have been identified.

### **2. Summary of Work**

#### **EPA Working Group**

The EPA Working Group has industry participation from stakeholders with interest in imports of Ozone Depleting Substances (ODS) and Vehicles & Engines (V & E) as well as software

providers. EPA has been very engaged and responsive to the discussions and our tactical review of the PG message set has yielded greater understanding from all parties, and EPA continues to refine their reporting requirements. Of note, EPA has eliminated repeating entity information, simplified the storage location reporting requirements, eliminated parallel data elements as well as eliminated the requirement for an intended use code for Vehicles and Engines reporting.

Yet to be determined is how an Original Equipment Manufacturer (OEM) will comply with the PGA Message Set requirements as OEM's are exempt from reporting today. EPA recognizes this as an issue. Also, the trade requested EPA review the multiple frame and engine data elements required for PG07 and PG08, and consider possible alternate reporting methods for significant volumes of vehicles/engines in a single shipment.

Of note, the Subcommittee recognizes that the EPA Forms Mapping Document is a valuable tool for a software provider as well as the trade community. CBP will recommend to the Partner Government Agencies that a supplemental document, similar to the EPA Mapping Document be provided by all the Partner Government Agencies in the PGA Message Set process.

EPA has initiated a review of common/uncommon data elements required by other government agencies, notably the Department of Transportation, NHTSA to explore the possibility of a single filing for multiple agencies. More information will become available as our meetings continue.

Our next steps will be to further explore alternative methods of reporting, the areas identified for further discussion and engage in a Partnership Program discussion. This Working Group intends to formulate recommendations for the 1 USG at The Border Subcommittee to consider from the lessons learned in partnership with CBP and EPA for the next COAC meeting.

### **FDA Working Group**

The FDA working group was formed with representation from the FDA-regulated industries, including pharmaceuticals, medical devices, and food, as well as express couriers. Many of the members have already been working on FDA-related initiatives via other groups and coalitions.

In alignment with the BIEC goals, the FDA Working Group is formulating recommendations in the following areas:

- Information Sharing
  - Issues discussed include the interoperability between CBP and PGA systems, harmonized CBP/PGA exam protocols, and incorporating the PGAs into the CEEs.
- Automation
  - Issues discussed include single data sets, single data submissions, and single multi-agency release. Also addressing the need for all PGA requirements, including FDA, to be included in the PG message set, and the need for a formal mechanism for correcting data errors in PGA submissions.

- Partnership Programs
  - Issues discussed include pre-arrival release/clearance of trusted trader shipments by all agencies and the need for more defined mitigation guidelines for CBP-administered penalties, taking into account the importer's trusted trader status.

In addition to the above, the group discussed at length the need for CBP and the PGAs to clearly define and develop common definitions for: importer of record, importer, consignee, and ultimate consignee.

Our next step is to meet with Domenic Veneziano of FDA to get the agency's feedback on the proposed recommendations. Based on that feedback, the group will then formulate a final set of recommendations to be reviewed and vetted by the full 1USG Subcommittee for the next COAC meeting.

### **ITDS Board Meeting**

Members of the 1 USG at the Border Subcommittee attended the ITDS Board Meeting on June 20, 2013 and provided an overview of the work being done by the Subcommittee. Important topics for consideration were raised:

- ◇ Requested the Partner Government Agencies review their current process to determine the required data elements, to ensure the entry/admissibility process is not impeded due to automation. It is noted that if an additional data element will speed the release of cargo, the trade community will likely volunteer this data.
- ◇ All parties agree that early and timely filing of data for the PGA Message Set is imperative. A mechanism must be in place to allow data correction, and we understand that CBP advocates a 'full replacement' of the data when corrections are required.
- ◇ Recordkeeping requirements for data submitted to the PGAs are an issue that requires clarification from the trade perspective. The general consensus at the ITDS Board Meeting is that the data is sufficient, and the PGA forms containing the data may not be needed.

Many of the Partner Government Agencies are in the process of regulatory changes and rulemaking, to ensure the Agency can accept electronic data, electronic signatures as they move forward in the ITDS process.

### **Trade Efficiency Survey Analysis Review Team**

Members of the 1 USG at the Border Subcommittee have committed to a review of the PGA section of the Trade Efficiency Survey being conducted by COAC. This important survey will assist the 1 USG at the Border Subcommittee in formulating additional recommendations from the Trade perspective over the next 6 month period.